

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 10, 2001  
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Martz, Pisciotte, present. \*Council Member Lambke absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Liz Owens, Ba'Hai Faith gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved      The minutes of the regular meeting of June 19, 2001, were approved 6 to 0. (Lambke absent)

## AWARDS AND PRESENTATIONS

\*Council Member Lambke present.

PROCLAMATIONS      Proclamations previously approved were presented.

SERVICE CITATION      Distinguished Service Citations were presented.

## PUBLIC AGENDA

Ms. Sybil Strum – Environmental Courts.

Sybil Strum      Sybil Strum spoke regarding Police and Central Inspection services, and general dissatisfaction with the City.

Mayor Knight      Mayor Knight suggested Ms. Strum take her concerns to the City Manager who would see that she is treated fairly.

## NEW BUSINESS

KGE/KPL      STATEMENT BY MAYOR KNIGHT CONCERNING THE KANSAS CORPORATION COMMISSION – KGE/KPL RATE PARITY AND MERGER CASE.

Mayor Knight      “The Kansas Corporation Commission is just two weeks away from issuing a decision which will have a multi-million dollar impact on Wichita citizens. The KCC decision regarding the electric rates Western Resources charges can be positive news which will finally deliver fairness and equity .... Or it can be negative news which will continue the unfair and unequal financial treatment Western Resources has imposed on Wichita citizens for years.

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“As the Mayor of Wichita, I expect justice and fairness. My colleagues on the Wichita City Council expect justice and fairness and I know the 352,000 citizens of Wichita expect justice and fairness. We expect the three members of the Kansas Corporation Commission to be guardians of the public good.

“The KCC is charged with protecting consumers from unfair and unscrupulous practices. The KCC is charged with sorting out the facts of the Western Resources request for a rate hike from the fiction. It is a difficult task because Western Resources executives are masters of fiction. They have mastered the ability to twist and obscure the facts through technical mumbo-jumbo, myths and misstatements. On behalf of the 352,000 citizens of Wichita and the additional hundreds of thousands of people who live in South Central Kansas and South East Kansas, we have asked the three Kansas Corporation Commissioners and their expert staff to be as good at debunking the myths, as Western Resources is at creating them. And I am optimistic they will be.

“There is reason to believe the professional, expert staff at the KCC has sorted out the fact from the fiction. Instead of agreeing with the \$150-million rate hike Western Resources is requesting, the KCC staff is recommending a \$92-million rate reduction. And the KCC is examining a highly questionable restructuring of the company, which we believe is designed to load debt from other business ventures onto the electric utility.

“For several years, I and my colleagues on the Wichita City Council and our Staff have argued the rate disparity between the KGE and KPL service areas of Western Resources is unfair and unjustified. I've also said the rate disparity can be ended without raising the rates of KPL customers.

“The testimony filed by the KCC expert staff confirms these statements. The recommendation of the staff, nearly eliminates the rate disparity by reducing KGE rates, but holds KPL rates virtually the same. I view the KCC staff testimony as a win-win situation for all customers of Western Resources whether they live in Wichita or Topeka.

“The important thing to note, is that no group who filed testimony regarding the rate case believes a rate increase is justified. Except, of course, Western Resources, but with the companies longstanding practice of charging unfair and unreasonable rates, that's not surprising.

“Residents have asked and continue to ask me questions about Western Resources and the way its executives are running the company. They are questions that even stockholders of the company are asking today at the annual stockholders meeting. A meeting, which by the way, the company executives chose to hold in Joplin, Missouri... not Topeka or Wichita. Western Resources executives say they are holding the meeting in Missouri so they can show-off a new generating plant. They could have held that meeting at the Gordon Evans Plant near Colwich where they also have new generators to show-off, but holding the meeting in Joplin of course makes it more difficult for stockholders to attend and challenge Western Resources executives.

“There are many questions the stockholders, the customers and the Kansas Corporation Commission are asking:

- “Why have the customers of Western Resources in Wichita been forced to pay between \$700 and \$800-million more for electricity since the merger ten years ago than the customers of Western Resources in Topeka when both cities are served by electricity from the same set of generating plants?
- “Why are Wichita citizens charged 70-percent more for street lights than Topeka residents? Seventy percent more!!! Unbelievable but true!
- “Why do customers of Western Resources have to pay higher electric rates than the residents in all of our neighboring states including Missouri, Oklahoma, Colorado and Nebraska?
- “Why is Western Resources allowed to sell electricity to other utilities at a fraction of the price it charges residential and small business customers who have paid for the generating assets? This is egregious and indefensible!

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- “Why do customers of Western Resources have to live with the threat of brownouts and blackouts while the company sells electricity to out of state utilities?”
- “Are customers of Western Resources paying for executive perks and privileges such as multi-million dollar salaries and golden parachute clauses, multi-million dollar mansions and corporate jets?”
- “Why do customers of Western Resources have to pay for the wining and dining of politicians and officials, bad business decisions such as the failed attempt to buy Kansas City Power and Light and the poor decisions involving Protection One?”
- “Why are the customers of Western Resources responsible for bailing out a company which has watched its value plummet, not because of the electric utility, but because of high risk business ventures which have nothing to do with providing electricity?”

“Western Resources executives should not be allowed to do those things on the backs of captive customers who have no choice but to pay the price the company charges. Under a monopoly system, any merger or business deal a utility undertakes must benefit the customers, not just line the pockets of a few executives. Western Resources executives do not have the best interests of ratepayers in mind. Someone needs to look out for the ratepayers...that's what the pending decisions by the KCC are really about...stopping the abuses and protecting the ratepayers ... And again, I am optimistic the three people who will decide this case will have the interests of the citizens as their top priority.

“Western Resources' proposed rate hike is an appalling display of corporate arrogance and greed. There is strong evidence that Western Resources is already overcharging customers by as much as \$100-million a year. There is strong reason to believe Western Resources is not being run in an efficient, effective manner. To propose a \$150-million rate increase is something only a callous monopoly with no threat of competition or regard for customers would even attempt to get away with.

“The consumers of Western Resources, particularly those in the KGE service area, who have been paying unfair rates for ten years, appreciate the diligent work of the Kansas Corporation Commission and its staff. The staff is obligated to represent the overall public interest and takes into Consideration the needs of both ratepayers and stockholders. They have done that and their recommendation for a rate decrease is reasonable, balanced and would finally end the excessive, unreasonable practices Western Resources executives have imposed on the citizens of Kansas.

“The Kansas Corporation Commission now has the opportunity to make sure Western Resources is operated to serve the hard working citizens who live and work on Main Street Kansas, instead of corporate executives who live in mansions and are only worried about what happens on Wall Street.

“The City Council, our Staff, and its citizens, as well as its technical experts and attorneys, have fought long and hard to obtain rate equity. We will continue to do so until equity is finally achieved, whether through an order of the KCC or, if we cannot obtain justice otherwise, through some other vehicle such as our own municipal utility. This is not a threat...we will have no other alternative.

“I would like to express the City's appreciation to the technical staff at the Corporation Commission for their courage in proposing significant rate reductions for both KGE and KPL customers, particularly in the face of Western's lobbying onslaught. Our thanks are also extended for the efforts of the Citizens Utility Ratepayer Board and a coalition of industrial users known as Kansas Industrial Consumers. Additionally, we appreciate the efforts of USD 259, who, together with the City, have fought this ridiculous rate increase request of Western Resources.

“The Kansas Corporation Commissioners..... John Wine, Cynthia Claus and Brian Moline... have the chance in the next two weeks to end the intolerable disregard for fairness and the insufferable economic injustices which have become part of the Western Resources corporate philosophy and history. Hopefully, rate parity and equity will be achieved by orders of the Kansas Corporation Commission and Western Resources will not be allowed to leave us with a utility that is so debt-ridden that the only

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alternative is bankruptcy or increased rates. We are counting on our public officials who are duty bound to look out for the citizens and protect the public interest.

"I want to thank you. I will also tell you that I have received many, many letters and e-mails over the last several years - I get them every day - about citizens in this community that are becoming very despairing about what is going on with the electric utility. It was one thing, five or six years ago, when many people really didn't understand the dynamic that was unfolding. It is quite another, today, when they understand that they are, in a way, being victimized. I have a letter here, and I have the permission of the writer, - we checked yesterday - to talk about. I won't say too much about it, but it is about an elderly citizen, a senior citizen, who because of some extraordinary circumstances in her life and the lives of her family, got behind on utility payments and no longer have electricity. She does not have the where-with-all to get it reconnected because of the cost associated with it, and, according to her, it was suggested by an attorney for Western Resources that she had several choices, one of which was to pay the bill - the other is to take out bankruptcy and then pay a high reconnect charge. These stories are coming in greater and greater volumes.

"I might also add, parenthetically, that my remarks in no way are directed toward these men and women that maintain and service our community that work for Western Resources. The people who work for W R in Wichita are not the issue. They are the salt of the earth. They are our neighbors. My remarks are directed squarely at the leadership of WR - the way they are conducting the affairs of that company, and also to the responsibilities and the opportunity of the KCC. They can take this issue and they can make right what has been wrong for a long time."

## CENTRAL/ROCK

### IMPROVEMENTS TO CENTRAL AND ROCK ROAD INTERSECTION. (District II)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 01-0784.

The 2001 Capital Improvement Program includes a project to relieve traffic congestion in the Rock Road corridor. One part of the project is improvements to the intersection of Central at Rock Road. District II Advisory Board considered the project on April 2, 2001.

The improvement will provide six through lanes on Rock and dual left turn lanes at the north and south approaches to Central. Construction is scheduled to begin in August and be completed by the end of November.

The project budget is \$1,400,000, with \$400,000 to be funded by General Obligation Bonds and \$1,000,000 to be funded by Federal Funds administered by the Kansas Department of Transportation.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --  
-- carried

Pisciotte moved that the project and Agreements be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance declaring the Intersection of Central Avenue and Rock Road, 472-83393, to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

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## DAY REPORTING

### DAY REPORTING CENTER LOCATIONS AND FACILITY.

Cathy Holdeman

Administrative Services Director reviewed the Item.

Agenda Report No. 01-0785.

On May 8, 2001, the City Council approved an Ordinance regulating the siting of Day Reporting Centers in the City. The ordinance addressed both siting and regulatory criteria for such facilities. The Ordinance states the following:

Day Reporting Centers must be located 1,200 feet from an existing facility; day care centers or facilities; public parks or playgrounds; private businesses that primarily serve children and/or youth under the age of 18; public or private preschools, elementary, middle and high schools; residences or agencies that provide on-site services to persons suffering from developmental, physical or mental disabilities; taverns or drinking establishments; adult entertainment establishments; and residential zoning districts.

The Ordinance provides authority for the City Council to waive specific distance separation and spacing requirements.

In addition to the siting and regulatory requirements (listed in the ordinance), facilities are also governed by the City's Zoning Code. The Code allows Day Reporting Centers in General and Limited Industrial Zoning Districts, only with a conditional use permit.

Staff has been working with State and its operator, Community Solutions Inc. (CSI), the private company selected by the Kansas Department of Corrections to manage the Wichita facility, on appropriate locations. Nearly 50 sites were considered by a review team. Possible locations were screened to sites considered to be the best locations.

Two sites are proposed for City Council approval for a Day Reporting Center: (1) located at Harry and McLean, and (2) in the 3600 Block of North Ohio. Both sites are owned by the City of Wichita. The sites have been reviewed by the Alternative Correctional Advisory Board.

The Harry and McLean site is centrally located and easily accessible by public transportation and other vehicles. This site currently houses the Work Release Center and thus the environment already supports correctional activities. This location is also in proximity to support services, such as counseling and drug treatment programs. Residential development is within the 1,200 feet requirement but is within an industrial area with a natural (river) buffer from residential area. This site would require a distance waiver by the City Council.

The second site at 3600 Block of North Ohio Street is in the Bridgeport Industrial Park. Most of the lots in Bridgeport have been sold leaving the City with a limited number of available parcels to market to industrial prospects. Siting this facility at this location would limit opportunities for industrial growth. Public transportation is provided to Bridgeport and could serve this facility. The site is not in close proximity to residential development but is near the proposed new Latino Soccer fields.

After thorough review of both locations, Staff recommends the Harry and McLean site due to its proximity to like correctional facilities. Additionally, its central location provides easier access to the clients assigned to this facility and meets virtually all of the siting criteria established.

Facility size requirements for a Day Reporting Center are between 8,000 to 10,000 square feet. Based upon preliminary costs estimates, a facility could be constructed for approximately \$800,000. In cooperation with the State of Kansas, it is proposed that the City construct the building and finance the facility with General Obligation Bonds for a term of fifteen years. The bonds would be retired by a monthly lease payment of \$6,500 to be paid by CSI. The lease would be triple net, meaning the lessee is responsible for all costs, including insurance, utilities, maintenance and taxes.

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If approved, City Staff will work with the Kansas Department of Corrections and CSI to develop necessary agreements that will address long-term funding options needed to retire the debt.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Penny Panks

Penny Panks, South Osage, stated that the McLean site is in her backyard and there are four houses in the proposed area.

Council Member Gale

Council Member Gale said he would like opportunity for residents near the McLean site to ask questions regarding how they might be impacted and that there be the same opportunity for both sites.

Council Member Fearey

Council Member Fearey said she would like to have both sites forwarded to the Alternative Correctional Housing Board. Council Member Fearey has concerns regarding river beautification, Exploration Place expanding further south, and schools in the area of the McLean site. The Bridgeport site has some advantages.

Motion --

-- carried

Gale moved that both sites be forwarded to the Alternative Correctional Housing Board and DABs as necessary; and be returned to the City Council in two weeks. Motion carried 7 to 0.

## FALSE ALARMS

### FALSE ALARM BILLING SYSTEM.

Kelly carpenter

Assistant Director of Finance reviewed the Item.

Agenda Report No. 01-0786.

In 1994, the City out-sourced the false alarm billing system to a private contractor due to inefficiencies within the in-house billing system. The in-house system was unable to adequately track and monitor permit information or generate timely billings.

In March 1999, the City Council approved Ordinance No. 44-221 increasing the false alarm fee to \$28 and initiating a \$10 registration fee. In addition to the increased fees, the Ordinance also required the monitoring companies to accept their share of responsibility for the false alarm calls. Monitoring companies were required to educate their customers regarding the ordinance and its consequences and pays a \$150 administrative penalty if they called in an alarm for an unregistered customer.

The citizen appeal process required a \$10 appeal filing fee be handled by the Police Department. The change in the appeal process was expected to reduce the number of appeals received and provide better motivation for alarm owners to reduce their false alarms.

The City's billing contractor does not currently provide the services required under the new ordinance. The City receives numerous complaints of alarm owners being billed for alarms that did not occur at their address and payments not properly posted to their alarm accounts. Many of these errors are due to the complexities of the data match between the 9-1-1 Computer Aided Dispatch (CAD) false alarm database and the contractor's billing database.

A better system of matching false alarms, more timely billings, and better reporting is required. A Request for Proposal (RFP) was prepared requesting a contract vendor which could accurately and efficiently provide tracking, billing and reporting of false alarm data along with the registration of alarm systems and educate the public and alarm monitoring companies. Of the three RFP responses, Electronic Data Systems Corporation (EDS) has been selected as the provider of choice due to their Alarm Tracking and Billing System (ATB). EDS is currently being used successfully in Charlotte, NC and Houston, TX.

There are approximately 32,000 false alarm calls each year. Of those 32,000 calls only one percent (1%) are valid. It is estimated that over 14,250 hours of police staff hours are wasted responding to false alarms. This is the equivalent of taking nearly eight (8) police officers off the streets. False alarm calls represent over 21% of all Police calls; this significantly diminishes response time to other valid

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calls. The accuracy and timeliness of the false alarm billings along with an adequate penalty is the key to deterring false alarms.

EDS's response to the City's Request for Proposal has been reviewed by staff and it has been determined that EDS will accommodate the needs of the City's false alarm billing and tracking system, and provide the education to the public and alarm monitoring companies. The EDS Alarm Tracking and Billing (ATB) system has enough flexibility to adequately meet the specific billing requirements. Additional checks and balances will be built into the matching of data between the 9-1-1 CAD false alarm data and the ATB billing system to ensure the accuracy and efficiency of the false alarm billing system.

Currently, most monitoring companies do not make their customers aware of the City's False Alarm Ordinance and its consequences. In addition to providing false alarm billing and collection services, EDS will launch an education campaign to make sure that alarm owners with monitored alarm systems and alarm monitoring companies operating within the City are aware of the City's False Alarm Ordinance and fees. EDS currently provides similar education campaigns in Charlotte NC and Houston TX. EDS has prepared 30-second television and radio spots and print media aimed at educating alarm owners about the need to have registered systems and the problems associated with false alarms. The City will be able to take advantage of these advertising materials with minimal changes.

EDS will require monitoring companies to provide the City with an acknowledged copy of a summary of the ordinance, signed by each of their current and new customers. In addition, EDS will require monitoring companies to register each of their customers with the City and pay a \$10 registration fee for each current and new customer that requests emergency response rather than private security response. The fee is due each time an alarm owner registers with a new monitoring company and requests emergency response.

The proposed cost to modify and implement the EDS Alarm Tracking and Billing System is \$300,000 in one time costs. The proposed cost to modify the existing CAD system is \$150,000 in one time costs. The annual operating cost for EDS to administer the ordinance is estimated to increase from the current budget of \$67,400 to \$264,000. The majority of this increase is due to the increased billing cycles and the addition of alarm registrations, advertising campaigns and an efficient alarm tracking and billing system. These costs will be funded within the General Fund with the anticipated increases in alarm revenue offsetting the additional expenses.

In future years, false alarms should decrease, thereby reducing the anticipated revenue, the services provided by EDS will be reviewed for changes to decrease the annual operating expense.

Although the exact number of monitored alarm systems requesting police response is not known, it is estimated that there is possibly 25,000 – 30,000 monitored alarm systems within the city. The \$10 registration fee on 25,000 monitored alarm systems requesting emergency response will generate \$250,000 in revenue during the first year. This registration fee along with the increase in false alarm fee revenue should cover the initial one-time costs for the implementation of the False Alarm Tracking and Billing System. Based on historical false alarm billings, the estimated revenue from false alarm fees under the new ordinance fee structure would generate \$450,000 in annual revenue.

The Law Department will review the contract between Electronic Data Systems Corporation (EDS) and the City, and PRC and the City, as to form and content.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the Contracts with Electronic Data Systems Corporation and PRC be approved; and the funds required for the implementation of the false alarm billing system, the increase to the annual budget to fund the management of the false alarm system, and the necessary signatures be authorized.

-- carried

Motion carried 7 to 0.

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## BOARDS EVAL.

## EVALUATION OF BOARDS AND COMMISSIONS.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 01-0787.

The City of Wichita has for over thirty years encouraged active citizen participation through service on the many advisory boards and commissions. Over time, the governing body has periodically evaluated its board/commission structure (and purpose) as federal and state regulations changed, new and emerging community issues arose, and other organizational changes and challenges were encountered. In December 1999, the City Council adopted Sunset Provisions for selected boards and commissions to ensure citizen participation occurs in an efficient and responsive manner and effective citizen involvement in specified areas are continued. It has been found that from time-to-time, missions change, relevant and meaningful board business can decrease, and there can be difficulties in finding appropriate and willing members who are committed to actively work and attend meetings. In consideration of these and other factors, the Sunset Provisions require that non-statutory boards and commissions be re-authorized annually by the City Council.

The proposed Code revisions will re-authorize relevant boards and commissions through June 30, 2002. Currently, the Council makes appointments to twenty-three boards and commissions, of which fifteen are subject to annual renewal under this Sunset requirement. To determine if a board or commission should be renewed, an annual review process with specific criteria is established. Per City Council Policy 8, an administrative regulation establishes the procedures involved in supporting these boards and commissions. Once established, Staff will update the current regulation to reflect the established criteria and the process the City Council wishes the annual review process to be conducted. The purpose of the evaluation is to ensure public attention to the boards/commissions and their work is providing an effective public service. In particular, a designated department will submit an annual report to the City Council that addresses specific review criteria and rates the performance of each advisory body as to compliance with its mission and purpose.

This periodic evaluation of boards and commissions at times will reveal that an entity is perhaps no longer required. For instance, the elimination of the Wichita Athletic Commission is recommended in order to more appropriately respond to applications for certain boxing and wrestling events. This action would move the role of approving applications for events specified in Code Section 3.77 from the Athletic Commission to the City Council. As a result, the City can more quickly process applications since special meetings will no longer be required, which regularly adds an additional 3-4 weeks to the approval process. In addition, very few applications (no more than 2 per year) have been received over the past several years so infrequent meetings are the norm. The Athletic Commission uses regulations proposed by staff as the basis for approval or dismissal of applications. Likewise, the City Council will be advised by Staff based on these existing regulations.

The following Review Criteria are provided for Council consideration to assist with the annual review of the appropriateness and necessity of designated advisory boards and commissions:

1. Name of Board:
2. Mission and Purpose of Board (basis for existence: Created by State Law, City Ordinance, etc)
3. Stated goals and objectives/functions of the advisory body. Are they still important, is the body still carrying them out? Is there duplication or overlap with another advisory body? Is consolidation possible?
4. Agenda and action items – what is the average number of agenda items and actions taken at each meeting?
5. Types of activities performed – to whom does the advisory body report?
6. How often does the body meet, and what has been the attendance at meetings? What opportunities are there for action by the respective body – are they frequent, infrequent, or nonexistent?
7. Tenure of members – Staff person assigned? Have adequate training as to the role of the advisory body, its functions, its relationship to elected body, and its role in the local government?
8. Board/Committee structure – Do members represent a broad spectrum of the community? Do they represent special interests that might not otherwise have a voice? Do advisory body members see



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the implications for the community of the policies or programs on which they are working? Do they feel their efforts have resulted in better services? How are the relationships with the community?

9. Are there sunset provisions with respect to member tenure?
10. Demographic profile of membership (Gender and Race Only)
11. List of accomplishments in past 12 months – how often has the body submitted recommendations to Staff or to the City Council (or other official agencies)?
12. Analysis of specific accomplishments
13. Citizen input – does the advisory body provide an opportunity for meaningful citizen input into operations of the local government? Does the advisory body meet at convenient times for public participation? Day or evening meetings, time of day/evening, etc? What is the average number of citizens attending each meeting during the past 12 months?
14. Confirmation that Board/Commission is not duplicative
15. Enforces conflict of interest rules
16. Effectively and efficiently complies with Public Information Act and Open Meetings Acts. Does media attend monthly meetings?
17. Would abolishing the Board/Commission cause federal or state government intervention or loss of funds
18. Identification of federal or state statutes that may govern Board/Commission activities
19. Does membership include youth representation?
20. What other existing board/commission's have similar responsibilities, if any?

No additional expenses are anticipated with the established of the criteria.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Two boards were left off; the Arkansas River Technical Board and Arkansas River Advisory Board should be included.

Motion --

-- carried

Knight moved that the Board/Commission Review Criteria and proposed Ordinance revisions be approved. Motion carried 7 to 0.

(Agenda Item No. 6)  
**CONDEMNATIONS**

(This Item was considered later in the meeting; action is shown in Agenda order.)  
**REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.**

Agenda Report No. 01-0788.

On May 22, 2001 a report was submitted with respect to the dangerous and unsafe conditions on four (4) properties. The Council adopted Resolutions providing for a public hearing to be held on these dangerous building condemnation actions at 10:30 a.m. on July 10, 2001.

Since that time, one (1) property has been demolished by the owner. The remaining three (3) properties are listed below.

On May 7, 2001 the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

	<u>Property Address</u>	<u>Council District</u>
1)	719 East Cottage Grove	I
2)	1213 South St. Francis	I
3)	1423 South Waco	I

Pursuant to State Statute, the Resolutions were duly published twice--on May 23, and May 30, 2001. A copy of each resolution was sent by certified mail or given by personal service delivery to the owners and lien holders of record of each described property.

Mayor Knight

Mayor Knight asked that the Director of Law find a way to deal with those who do not go to the Board of Appeals – to not have to be dealt with directly by the City Council.

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Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared except on 1213 South St. Francis.

Motion -- Brewer moved that for Items 1 and 3 the public hearing be closed; the Resolution declaring the properties as dangerous and unsafe structures be adopted; and the BCSA recommendation to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of July 10, 2001; (2) the structure(s) has/have been secured as July 10, 2001, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of July 10, 2001, and will be so maintained during renovation. Motion carried 7 to 0

-- carried

## RESOLUTION NO. 01-274

A Resolution finding that the structure located on Lots east 45 feet of the west 75 feet, Lots 41-42-43-44, Cottage Park Addition to Wichita, Sedgwick County, Kansas, commonly known as 719 East Cottage Grove, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-276

A Resolution finding that the structure located on Lots 20-22, Waco Avenue, Fitzgerald's Second Addition to Wichita, Sedgwick County, Kansas, commonly known as 1423 South Waco, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

### 2) 1213 South St. Francis

Kurt Schroeder Superintendent of Central Inspection reviewed 1213 South St. Francis.

Mr. Wiggins Mr. Wiggins said he would like to pay one-half of the taxes in two weeks and the remainder in 30 days. By this weekend, the brush and weeds will be cleaned up and repairs started. Mr. Wiggins asked for chance to take care of situation and said he had been told by Staff the matter had to come to this meeting first. Mr. Wiggins also said that if in 30 days the property is not cleared, tax are not paid, and repairs are not started, he will give keys and deed to City.

Motion -- Brewer moved that the public hearing be closed; the Resolution declaring 1213 South St. Francis as dangerous and unsafe be adopted; one week be given to pay one-half of the taxes and assessments, and two additional weeks be given to pay the remainder of taxes and assessments, and that the property be cleaned up as soon as possible; with substantial repairs and cleanup completed within 30 days. The premises are to be mowed and free of debris and will be so maintained during renovation.

-- carried Motion carried 7 to 0.

## RESOLUTION NO. 01-275

A Resolution finding that the structure located on Lots 9 and 11, on St. Francis Avenue, in Zimmerly's Second Addition to Wichita, Sedgwick County, Kansas, commonly known as 1213 South St. Francis, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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(Addendum No. 7)  
CON2000-34

**APPEAL OF MAPC DECISION ON CON2000-34 - CONDITIONAL USE REQUEST FOR VEHICLE SALES LOT AT SOUTHWEST CORNER OF WEST STREET AND 9<sup>TH</sup> STREET NORTH. (REQUESTED BY COUNCIL MEMBER FEAREY)**

Council Member Fearey said she would like to have the Item appealed for further review to see whether the MAPC decision should be appealed.

Motion --  
-- carried

Fearey moved the MAPC decision be appealed for City Council consideration at future date. Motion carried 7-0.

**CITY COUNCIL AGENDA**

**TRAVEL APPROVAL** **APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBER BOB MARTZ TO MINNEAPOLIS, MN, SEPTEMBER 27-29, 2001 (NLC HUMAN DEVELOPMENT STEERING COMMITTEE MEETING).**

Motion -- carried

Knight moved that the expenditures be approved. Motion carried 7 to 0.

**APPOINTMENTS**

The Item was considered later in the meeting. Action is shown in Agenda order.  
**BOARD/COMMISSION APPOINTMENTS.**

Motion -- carried

Knight moved that the rules be set aside and an Item be taken up off the Agenda. Motion carried 7 to 0.

Motion --  
-- carried

Knight appointed Bill McKinley and Dwayne Shannon to the Sedgwick County Solid Waste Management Committee and moved that the appointments be approved. Motion carried 7 to 0.

**PROCLAMATION**

**PROCLAMATION:**

--National Night Out

Motion -- carried

Knight moved that the Proclamation be authorized. Motion carried 7 to 0.

**CONSENT AGENDA**

Knight moved that the all Items on the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

**BOARD OF BIDS**

**REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 9, 2001.**

Bids were opened June 22, June 29 and July 6, 2001, pursuant to advertisements published on:

12 inch force main in connection with Main 1, Northwest Interceptor Sewer, Park B - 21st Street North, east of 119th Street West. (468-83131/624058 /659512) Traffic to be maintained during construction using flagpersons and barricades. (District V); AND Main 3, Northwest Interceptor Sewer, Part A - 21st Street North, both sides of 119th Street West. (468-83133/624060 /651002) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Wildcat Construction - \$973,751.55 (Total aggregate bid)

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Sanitary sewer rehabilitation in Alley between Washington and Ida from Morris to Gilbert to serve Kelsch Third and Hephner Additions - south of Kellogg, east of Washington. (468-83256/620318 /661442) Traffic to be maintained during construction using flagpersons and barricades. (District I)

WB Carter Construction - \$46,131.00

Alley between Washington and Ida from Morris to Gilbert to serve Kelsch Third and Hephner Additions - south of Kellogg, east of Washington. (472-83284 /765654/490765) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Kansas Paving Company - \$40,813.00

Museum District Boulevard, Sim Park Area - not platted. Stackman Drive - north of Central and a Portion of Sim Park Drive. (472-83228/706795/200248) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Ritchie Paving - \$2,406,814.90

Water supply line in 119th Street West from Carr to Maple - in 119th Street West, north and south of Kellogg. (448-89435/633716/750557) Traffic to be maintained during construction using flagpersons and barricades. (District V)

BRB Contractors - \$193,789.00

Lateral 468, Southwest Interceptor Sewer to serve Flat Creek Addition - east of 119th Street West, north of Pawnee. (468-83260/743872/480560) Does not affect existing traffic. (District V)

Nowak Construction - \$335,114.00

Water distribution system to serve Savannah Place Addition - west of Tyler, south of Maple. (448-89559/448-89560/735014/735013/470684/470683) Does not affect existing traffic. (District V)

K C Excavating - \$32,617.00

20-inch water line in McLean Boulevard from Pawnee to 31st Street South - McLean Boulevard from Pawnee to 31st Street South. (448-89456/633722/750816) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$326,000.00

Water distribution system to serve Flat Creek Addition - east of 119th Street West, north of Pawnee. (448-89582/735017/470687) Does not affect the existing traffic. (District V)

K C Excavating - \$59,963.00

Storm Water Drain 162 to serve Savannah Place Addition - west of Tyler, south of Maple. (468-83232 /751296/485187) Does not affect the existing traffic. (District V)

K C Excavating - \$38,987.00 (Negotiated to engineer's estimate)

2001 street rehabilitation; MacArthur, Meridian to Seneca; 119th Street West, Kellogg to Maple; 33rd Street North, Broadway to Mead - north of 47th Street South and east of 135th Street West. (472-83366/706818/620310/201284/661434) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV, V and VI)

Cornejo & Sons Construction - \$545,400.00 (engineer's estimate)

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Main 10, Four Mile Creek Sewer Phase 1 - north of 17th Street North extended, east of Greenwich Road. (468-83392/624503/699003) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Nowak Construction - \$1,042,243.00

Covington from the North Line of Lot 1, Block 2, Aberdeen Third Addition to the North Line of 21st Street North and Covington Court Adjacent to Lots 2 to 44 the Lochs at Aberdeen and Adjacent to Lots 1 to 5, Block 2, Lochs at Aberdeen and Aberdeen 3rd Addition - east of 119th Street West, north of 21st Street North. (472-83359/765681/490792) Does not affect existing traffic. (District V)

Cornejo & Sons Construction - \$338,081.20

Traffic signal at Zelta and Kellogg, One Kellogg Place Second Addition - south of Kellogg, east of Greenwich. (472-83372/765683/490794) Traffic to be maintained through construction. (District II)

Cornejo & Sons Construction - \$408,867.00

Lateral 49, Main 2, Sanitary Sewer 22 to serve W.H.H. Addition - south of 27th Street South, west of Seneca. (468-83266/743875/480563) Does not affect existing traffic. (District IV)

Wichita Excavation, Inc. - \$19,048.00 (Negotiated to engineer's estimate)

Storm Water Sewer 550 to serve One Kellogg Place Second Addition - south of Kellogg, east of Greenwich. (468-83237/751297/485188) Does not affect existing traffic. (District II)

Utility Contractors - \$430,952.00 (Negotiated to engineer's estimate)

Storm Water Drain 163 to serve YMCA South Addition - south of 33rd Street South, west of Meridian. (468-83234/448-89591/751298/485189) Does not affect existing traffic. (District IV)

Dondlinger & Sons - \$92,848.00 (Negotiated to engineer's estimate)

Water distribution system to serve Vandale Addition, Vandale Annex, Replat of Vandale Annex, Chamberlain's Subdivision of Vandale Annex, Gorrell's Sub of Vandale Annex, and J.C. Addition - west of Broadway, south of 55th Street South. (448-89486/734978/470648) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Nowak Construction - \$253,857.24

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT DEPARTMENT: Air Cargo and Crossfield Roads Rehabilitation. (500840)

Cornejo & Sons Construction - \$241,916.50 (Total net bid)

PARK DEPARTMENT/RECREATION DIVISION: Seneca Park Playground Improvements. (785999)

Sutherland Builders Inc. \$72,800.00

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Signage and Fence Repair; and Painting at Lawrence Dumont Stadium. (130823)

Trimark Signworks - \$6,385.00 (Group 1/total net bid)

Hahner Foreman & Harness Inc. - \$5,880.00 (Group 2/total net bid)

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HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Removal and Replacement of Roof Exhaust at Greenway and McLean Manor. (097805)

Dean E. Norris Inc. - \$14,450.00 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replacement of Chain Link Fencing, Gates and Installation of Mow Strip. (097805)

Williamson Construction - \$37,970.00 (Group 1/lump sum total)  
\$28,510.00 (Group 2/lump sum total)

FINANCE DEPARTMENT/DATA CENTER DIVISION: New Current Model GIS Plotter HPD Design Jet 5000 PS. (792143)

Total Documents - \$11,875.00 (Total base bid)  
\$ 2,000.00 (Option 1/total deduct)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Exterior Brick Wall Repair at Farm and Art Market Building. (792315)

Midland Restoration Co., Inc. - \$167,500.00 (Base bid/lump sum total)  
\$ 17,000.00 (Option 1/add alternate 1/lump sum)  
\$ 12,000.00 (Option 2/add alternate 2/lump sum)  
\$ 3,000.00 (Option 3/add alternate 3/lump sum)  
\$ 15.00\* (Option 4/add alternate 2/per sq. ft.)

\*Negotiated

FINANCE DEPARTMENT/PRINT SHOP DIVISION: Envelopes and Letterhead. (037226)

Print Comm One - \$39.25 (Item 1/per M)  
\$37.50 (Item 2/per M)

POLICE DEPARTMENT/TRAINING DIVISION: Police Boots and Shoes. (083600)

Baysinger - \$ 43.20 (Item 1/per pair)  
\$ 43.20 (Item 2/per pair)  
\$118.50 (Item 3/per pair)  
\$ 79.00 (Item 4/per pair)  
\$ 42.00 (Item 5/per pair)  
\$ 35.85 (Item 6/per pair)  
\$ 51.75 (Item 7/per pair)  
\$ 6.50 (Item 8/per pair)

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Thermoplastic Marking Machine. (132217)

Advanced Striping Equipment - \$31,850.00 (Total net bid)

GENERAL GOVERNMENT DEPARTMENT/PROPERTY MANAGEMENT DIVISION: Unarmed Security Services. (205021)

Myers Security Services - \$11.56 (Item 1/per hour)  
\$ 3.25 (Item 2/per patrol)  
\$12.25 (Item 3/per call)  
\$12.25 (Item 4/per call)

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PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Parallelogram Flush Mounted and Above Ground Two-Post Vehicle Lift. (130807)

Myers Brothers - \$64,776.00 (Group 1/total net bid)  
\$15,758.00 (Group 2/total net bid)

PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: Traffic Signals and Equipment. (702287)

Gades Sales Co. Inc. -\$3,323.40 (Group 1/total net bid)  
\$2,651.20 (Group 2/total net bid)  
\$1,690.00 (Group 3/total net bid)  
\$ 605.80 (Group 4/total net bid)  
\$1,751.50 (Group 5/total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Electronic Reading Transmitter, Datapac, Water Meter. (183103)

Mountain States Pipe & Supply Co., Inc. -\$96,000.00 (Group 1/total net bid)  
\$24,500.00 (Group 2/total net bid)  
Badger Meter Inc. - \$56,094.29 (Group 3/total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSES

### APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

#### New Adult Entertainment:

Sonja Barnes	Class Act Escort Service	209 South Washington
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Motion -- carried Knight moved that the license be approved subject to Staff approval. Motion carried 7 to 0.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Akiko Miloni	Mama-Sans*	3811 West 13th Street North
Yong C. Chon	Manna Wok Restaurant*	4685 East Harry
Daryl Moren	Club Billiards*	925 West Douglas

#### (Consumption off Premises)

Loan H. Le	KC Gas & Groceries #1	1102 West Maple
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<u>New Establishment</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
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Stephanie Parker	Spirited Pony Saloon	3537 North Broadway
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\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

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## PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Subdivision Plans and Specifications submitted.

## PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a. Water distribution system to serve The Lochs at Aberdeen - north of 21st Street North, east of 119th Street West. (448-89555/735015/470685) Does not affect the existing traffic. (District V) - \$150,500.00
- b. 2001 sanitary sewer reconstruction program Phase 5 - east of Webb Road, north and south of Central Avenue. (468-83258/620320/661444) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$265,000.00
- c. Lateral 1, Main 19, Southwest Interceptor Sewer to serve Ridge Port North Third and Fourth Additions.- east of Ridge, south of 37th Street North. (468-83167/743858/480546) Does not affect the existing traffic. (District V) - \$626,000.00

Motion -- carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

## STATEMENTS OF COST STATEMENTS OF COST.

- a) Improving Mount Vernon; Longlake Street; and Mount Vernon Court in Smithmoor Ninth Addition, (south of Harry, west of Greenwich Road). Total Cost - \$134,136.59 (plus idle fund interest - \$2,077.71, plus temporary note interest - \$5,884.70). Financing to be issued at this time - \$142,099.00. (765635/472-83108/490-746).
- b) Improving Shefford; Shefford Circle; Shefford Court; and Neville Court to serve Aberdeen rd Addition, (north of 21st Street North, east of 119th Street West). Total Cost - \$1,065,091.60 (plus idle fund interest - \$25,942.00, plus temporary note interest - \$47,773.40). Financing to be issued at this time - \$1,138,807.00. (765626/472-83125/490-737).
- c) Improving Hickory; Birch; Firefly Circle; and sidewalk to serve Buckhead Third Addition, (north of Central, west of 119th Street West). Total Cost - \$198,030.81 (plus idle fund interest - \$3,886.21, plus temporary note interest - \$6,694.98). Financing to be issued at this time - \$208,612.00. (765650/472-82947/490-761).
- d) Improving 33rd Street South from Gordon to Meridian to serve YMCA South Addition, (south of 31st Street South, west of Meridian). Total Cost - \$104,342.91 (plus idle fund interest - \$3,730.80, plus temporary note interest - \$7,030.29). Financing to be issued at this time - \$115,104.00. (765297/472-82952/490-631).
- e) Improving Angel; Edwards; Edwards Circle; Angel Court to serve Angel Acres Addition, (north of 47th Street South, west of Meridian). Total Cost - \$243,650.52 (plus idle fund interest - \$4,869.16, plus temporary note interest - \$11,090.32). Financing to be issued at this time - \$259,610.00. (765611/472-83154/490-722).
- f) Improving Topeka from the north line of Murdock to the north line of Emporia and Traffic Signal Modifications to serve Via Christi Regional Medical Center, Inc. Addition, (north of Murdock, east of Broadway). Total Cost - \$150,701.80 (plus idle fund interest - \$4,011.68, plus temporary note interest - \$6,927.52). Financing to be issued at this time - \$161,641.00. (765628/472-83208/490-739).
- g) Improving 135th Street West from Maple Street to the south line of Auburn Hills Commercial Addition, (south of Maple, east of 135th Street West). Total Cost - \$31,896.88 (plus idle fund interest - \$54.72, plus temporary note interest - \$1,666.40). Financing to be issued at this time - \$33,618.00. (765637/472-82841/490-655).



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- h) Improving 135th Street West from Maple Street to the south line of Auburn Hills Commercial Second Addition, (south of Maple, east of 135th Street West). Total Cost - \$15,653.63 (plus idle fund interest - \$19.69, plus temporary note interest - \$873.68). Financing to be issued at this time - \$16,547.00. (765529/472-82840/490-654).
- i) Improving 135th Street West from Maple Street to the south line of the Northwest ¼, Section 25, Township 27 South, Range 2 West to Maple, (south of Maple, west of 119th Street West). Total Cost - \$138,188.86 (plus idle fund interest - \$236.06, plus temporary note interest - \$7,248.08). Financing to be issued at this time - \$145,673.00. (765545/472-82461/490-656).
- j) Improving Cherry Hill Circle; Castle Pines Street; Castle Pines Branch; and sidewalk to serve Willowbend North Estates Addition, (south of 45th Street North, west of Rock Road). Total Cost - \$335,065.10 (plus idle fund interest - \$15,783.22, plus temporary note interest - \$14,728.68). Financing to be issued at this time - \$365,577.00. (765598/472-83119/490-709).
- k) Improving Regency Park; 26th Street North; and 26th Street North Circle to serve Regency Park Addition, (south of 29th Street North, west of Greenwich Road). Total Cost - \$323,951.28 (plus idle fund interest - \$8,584.86, plus temporary note interest - \$14,622.86). Financing to be issued at this time - \$347,159.00. (765621/472-83186/490-732).
- l) Improving Byron Court from the west line of Byron Street, west and south to and including the cul-de-sac to serve Woodland-Westfield Second Addition, (north of Maple, west of Tyler Road). Total Cost - \$102,530.48 (plus idle fund interest - \$2,476.86, plus temporary note interest - \$4,526.66). Financing to be issued at this time - \$109,534.00. (765627/472-83206/490-738).
- m) Improving Hoover Court from the west line of Hoover Avenue, west to and including the cul-de-sac to serve Airport Industrial Park Addition, (south of Harry, west of Hoover). Total Cost - \$117,775.63 (plus idle fund interest - \$932.69, plus temporary note interest - \$5,205.68). Financing to be issued at this time - \$123,914.00. (765643/472-83244/490-754).
- n) Improving decel Lane on the west side of Meridian to serve YMCA South Addition, (south of 31st Street South, west of Meridian). Total Cost - \$115,942.60 (plus idle fund interest - \$175.60, plus temporary note interest - \$12,180.80). Financing to be issued at this time - \$128,299.00. (765289/472-82951/490-630).
- o) Improving Edwards from the south line of 26th Street North to the north line of 25th Street North to serve Northwest Heights Addition, (south of 29th Street North, west of Amidon). Total Cost - \$110,180.98 (plus idle fund interest - \$2,721.50, plus temporary note interest - \$4,890.52). Financing to be issued at this time - \$117,793.00. (765615/472-83180/490-726).
- p) Improving Churchill Circle and Churchill Courts to serve Wilson Farms Second Addition, (south of 21st Street North, west of Webb Road). Total Cost - \$177,760.83 (plus idle fund interest - \$4,612.97, plus temporary note interest - \$8,059.20). Financing to be issued at this time - \$190,433.00. (765619/472-83182/490-732).
- q) Improving Highland Springs; Aksarben; Remington Lane; Highland Springs Court; Remington Court; and sidewalk to serve Highland Springs Second Addition, (south of Central, west of 135th Street West). Total Cost - \$322,018.73 (plus idle fund interest - \$5,025.43, plus temporary note interest - \$13,943.84). Financing to be issued at this time - \$340,988.00. (765630/472-83142/490-741).
- r) Improving 29th Street North from the west line of Topaz Circle to the west line of Pepper Ridge to serve Oak Ridge Second Addition, (north of 29th Street North, east of Tyler Road). Total Cost - \$278,628.57 (plus idle fund interest - \$3,866.56, plus temporary note interest - \$4,509.33, less financing previously issued - \$258,053.46). Financing to be issued at this time - \$28,951.00. (764449/472-82836/490-547).

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s) Improving decel and left turn Lanes in 21st Street North from the northwest Corner of Lot 1, Block 1, to the northeast corner of Lot 1, Block 1, to serve Legacy Park Wilson Estates Addition, (south of 21st Street North, west of Webb Road). Total Cost - \$146,242.10 (plus idle fund interest - \$4,948.58, plus temporary note interest - \$4,979.32). Financing to be issued at this time - \$156,170.00. (765632/472-83231/490-743).

Motion -- carried

Knight moved that the Statements of Cost be received and filed. Motion carried 7 to 0.

## EASEMENTS

### EASEMENTS:

a) Waterline Easement from the City of Wichita from 21st Street North, south along the Missouri Pacific Railroad right-of-way to a point on the northerly line of the Big-Slough Cowskin Creek Floodway.

b) Utility easement dated June 1, 2001 from USD 259 for tracts of land in Lots 175 on Main Street and 176 on Water Street, both in Robertson's Subdivision of the North 1/2 of Block A in Ferrel's Addition; together with a tract of land in the South 1/2 of Block A, Ferrel's Addition to the City of Wichita, Sedgwick County, Kansas (Private Project, OCA# 607861). No cost to City.

c) Drainage and Utility easement dated June 1, 2001 from USD 259 for a tract of land in Lot 6, Midtown Third Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA# 607861). No cost to City.

d) Permanent Easement dated May 30, 2001, from Central Kansas Railway for a tract of land in the SE 1/4 of Sec. 13, Twp. 27S, R-1-W of the 6th P.M., Sedgwick County, Kansas (Zoo Boulevard Bike Path, OCA #785005). No cost to City.

e) Permanent Easement dated May 30, 2001, from Central Kansas Railway for a tract of land in the SW 1/4 of Sec. 13, Twp. 27S, R-1-W of the 6th P.M., Sedgwick County, Kansas (Zoo Boulevard Bike Path, OCA #785005). No cost to City.

f) Permanent Easement dated May 30, 2001, from Central Kansas Railway for a tract of land in the NE 1/4 of Sec. 14, Twp. 27S, R-1-W of the 6th P.M., Sedgwick County, Kansas (Zoo Boulevard Bike Path, OCA #785005). No cost to City.

g) Permanent Easement dated May 30, 2001, from Central Kansas Railway for a tract of land in the SE 1/4 of Sec. 11, Twp. 27S, R-1-W of the 6th P.M., Sedgwick County, Kansas (Zoo Boulevard Bike Path, OCA #785005). No cost to City.

h) Permanent Easement dated May 30, 2001, from Central Kansas Railway for a tract of land in the SW 1/4 of Sec. 11, Twp. 27S, R-1-W of the 6th P.M., Sedgwick County, Kansas (Zoo Boulevard Bike Path, OCA #785005). No cost to City.

i) Permanent Easement dated May 30, 2001, from Central Kansas Railway for a tract of land in the NW 1/4 of Sec. 13, Twp. 27S, R-1-W of the 6th P.M., Sedgwick County, Kansas (Zoo Boulevard Bike Path, OCA #785005). No cost to City.

j) Dedication dated June 15, 2001 from Student Loan Funds, Inc. for a tract of land in the NE 1/4 of Sec. 11, Twp. 27S, R-1-E of the 6th P.M., Sedgwick County, Kansas (21st - Hillside to Oliver, OCA #706785). No cost to City.

k) Dedication dated June 15, 2001 from the Wichita State University Board of Trustees for a tract of land in the NE 1/4 of Sec. 11, Twp. 27S, R-1-E of the 6th P.M., Sedgwick County, Kansas (21st - Hillside to Oliver, OCA #706785). No cost to City.

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l) Dedication dated June 15, 2001 from the Wichita State University Board of Trustees for a tract of land in the NE 1/4 of Sec. 11, Twp. 27S, R-1-E of the 6th P.M., Sedgwick County, Kansas (21st - Hillside to Oliver, OCA #706785). No cost to City.

m) Public Utility Easement dated June 15, 2001 from the Wichita State University Board of Trustees for a tract of land in the NE 1/4 of Sec. 11, Twp. 27S, R-1-E of the 6th P.M., Sedgwick County, Kansas (21st - Hillside to Oliver, OCA #706785). No cost to City.

n) Dedication dated June 26, 2001 from Learjet Inc. for a tract of land in the SW 1/4 of Sec. 28, Twp. 27S, R-1-W of the 6th P.M., Sedgwick County, Kansas (Woodchuck, OCA #635635). No cost to City.

o) Dedication dated June 26, 2001 from Learjet Inc. for a tract of land in Gates Learjet Addition, Wichita, Sedgwick County, Kansas (Woodchuck, OCA #635635). No cost to City.

p) Dedication dated June 26, 2001 from Learjet Inc. for a tract of land in Block 1, Tract No. 3, Santa Fe Industrial subdivision, Wichita, Kansas (Woodchuck, OCA #635635). No cost to City.

Motion -- Knight moved that the documents be received and filed; and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

## **YMCA SOUTH ADD. PETITION TO CONSTRUCT A STORM WATER DRAIN TO SERVE YMCA SOUTH ADDITION – WEST OF MERIDIAN, NORTH OF MACARTHUR.** (District IV)

Agenda Report No. 01-0789.

The Petition has been signed by two owners, representing 100% of the improvement district, except for a tract owned by the City of Wichita.

This project will provide access to a new commercial development located on the west side of Meridian, south of 33rd Street South. The City's tract is the site of the new southwest branch library and fire station.

The Petition totals \$82,350. The funding source is special assessments. The assessment to City property is \$13,750.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

### **RESOLUTION NO. 01-277**

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 174 (west of Meridian, north of MacArthur), 468-83294 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## **A01-13 PETITION FOR WATER LINE EXTENSION AND REQUEST TO ANNEX LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 37TH STREET NORTH AND TYLER ROAD.** (District V)

Agenda Report No. 01-0790

Maize School District No. 266 has submitted a Petition for a water line to serve a proposed school campus at the southwest corner of 37th Street North and Tyler. The signature on the Petition represents

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100% of the improvement district. The Petition includes a request that the property be annexed by the City of Wichita.

Land Use and Zoning: The site is presently in agricultural use and consists of two (2) undeveloped tracts of land zoned "SF-20" Single Family Residential, which will automatically convert to "SF-6" Single Family Residential after annexation.

Public Service: The proposed water line will be located along Tyler Road, from north of 29th Street North to 37th Street North.

Street System: The property proposed for annexation is adjacent to Tyler Road, which serves the area as the nearest major north-south road, and 37th Street North, which serves the area as the nearest major east-west road. Tyler Road is a two-lane arterial with an asphalt surface, while 37th Street is unpaved. There are no plans to further improve these sections of road in either the City's or County's Capital Improvement Programs.

Public Safety: The Wichita Fire Department can serve this site within an approximate seven (7) to nine (9) minute response time from Station No. 16, located at 1632 North Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North. Elder.

Parks: Barrington Park is located approximately two miles southeast of the property and Sedgwick County Park is situated three miles southeast of the property. The property is considered to be within the service area of the Sedgwick County Park, but not within the service area of Barrington Park.

School District: The property is located in Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The property is also located within the Wichita 2010 and 2030 urban service area, as depicted in the 1999 Update to the Comprehensive Plan, adopted by the Wichita City Council and Sedgwick County Board of Commissioners.

The estimated project cost for the water line extension is \$160,000, with \$90,000 assessed to the improvement district and \$60,000 paid by the Water Utility. The Utility share is for the cost of over-sizing the pipe to serve future development outside the improvement district. Since the property is a public/institutional use, the City will receive no Ad Valorem Tax Revenues.

The property is eligible for annexation under K.S.A. 12-519, et. seq.

Motion --  
-- carried

Knight moved that the Petition and annexation be approved; the Resolution be adopted; and the Ordinance be placed on first reading. Motion carried 7 to 0.

## RESOLUTION NO. 01-278

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89596, (south of 37<sup>th</sup> Street North, west of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. A 01-13

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## BOARDS MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District Advisory Board II, 5-21-01  
Metropolitan Area Planning Commission, 5-24-01  
Metropolitan Area Planning Commission, 5-10-01  
Wichita Airport Advisory Board, 5-7-01  
Board of Electrical Appeals, 5-8-01  
Design Council, 5-17-01  
Wichita-Sedgwick County Board of Health 5-10-01  
Wichita Employees Retirement System, 4-25-01  
Wichita Public Library, 5-15-01  
Special Meeting: Wichita Historic Preservation Board, 4-16-01  
Wichita Historic Preservation Board, 3-12-01  
Wichita Historic Preservation Board, 2-12-01  
Board of Park Directors, 5-14-01  
Police and Fire Recruitment Board, 4-25-01  
Police and Fire Retirement System, 3-28-01

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

## STREET CLOSURES

### CONSIDERATION OF STREET CLOSURES/USES - SPECIAL EVENTS.

Agenda Report No. 01-0825.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

#### 4Get-Me-Not Race and Fun Run

Saturday, September 8, 2001, 7:30 a.m. to noon  
(Only one lane will be utilized for the race)

- Sim Park Drive from Amidon to Stackman Drive
- Amidon Street from Murdock to 12th Street North
- Murdock Avenue from Faulkner to Amidon
- Faulker Street from Murdock to Stackman Drive
- Stackman Drive from Faulker to Central

Saturday, September 8, 2001, 7:30 a.m. to 10:30 a.m.  
(Only one lane will be utilized for race)

- Central Avenue from McLean to Waco
- Greenway Boulevard from Nims/Central to Waco
- Waco from 2nd Street North to Murdock
- Stackman Drive from Murdock to North Nims
- Nims Avenue from Stackman Drive to Central

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the street closure requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

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## CLAIMS

### REPORT ON CLAIMS ALLOWED MAY, 2001:

<u>Name of Claimant</u>	<u>Amount</u>
18 Kansas Gas Service Claims	\$5,400.53*
Jayne Pinhero	\$3,250.00*
Matthew Bookout	\$1,596.55
Arnaldo O. Martinez	\$206.51
Mr. Bud's Carryout	\$160.97
Donald E. Wamsley, Jr.	\$1,525.67
Rod Greiving	\$240.23
Julie Betzen	\$252.17*
SW Bell	\$584.25
Alan Meyer	\$207.17
Bruce Bandhauer	\$153.02
Russell L. Logan, Jr.	\$623.60
Floyd Ward/Best Cabs	\$133.41
James Emmert (Chuck Harlow)	\$310.00*
SW Bell	\$1,274.76
Jonathan Thorne	\$31.17*

\* Settled for lesser amount than claimed.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

## GYPSUM CREEK

### GYPSUM CREEK RESTORATION PROJECT. (Districts I and II)

Agenda Report No. 01-0791.

As part of the City's efforts to take decisive action to cleanup the Arkansas River, the City of Wichita has received a grant from the Kansas Department of Health and Environment (KDHE) for a demonstration project to restore water quality in Gypsum Creek, a tributary to the Arkansas River. The project will be completed in two phases: Phase I bring a watershed analysis to define the deficiencies and identify possible solutions; and Phase II being the construction of the recommended improvements to enhance water quality.

In response to a Request for Proposals, five Consultants expressed an interest in providing the services necessary to complete the Watershed Analysis. On March 8, 2001, the Staff Screening and Selection Committee interviewed the five Consultants and recommended that Black & Veatch be hired as the lead Consultant on the project. The City has previously hired two other Consultants to work with the lead Consultant: Mike Lydy, Ph.D., to perform the water quality analysis and biological monitoring; and H.N.T.B., Kansas City, to provide the flood plain impact analysis.

The City of Wichita has received a \$95,000 grant from the U.S. Environmental Protection Agency through KDHE for the project, which is being matched with \$63,333 in non-federal contributions, the latter of which will come from in-kind services or cash from Storm Water Utility Funds. Thus, the total Watershed Analysis budget is \$158, 333.

The cost of the proposed Contract with Black & Veatch is \$103,893. Upon Council approval of the Contract, the cost of the Watershed Analysis is as follows:

<u>Consultant</u>	<u>Fee</u>
1. Black & Veatch	\$103,893
2. Dr. Mike Lydy	\$ 38,339
3. H.N.T.B.	<u>\$9,190</u>
Total	\$151,422

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Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

## WATER SYSTEM

### **SUPPLEMENTAL AGREEMENT FOR WATER DISTRIBUTION SYSTEM 448-89575 – SHERIDAN FROM MAPLE TO BURTON.** (District IV)

Agenda Report No. 01-0792.

On June 1, 2001, the City entered into an Agreement with K.E. Miller Engineering for designing a 16" water line in Sheridan from Maple to Burton. The fee was \$3,200.

K.E. Miller has been asked to extend the water line in Sheridan from Kellogg to Maple. Supplemental Agreement No. 1 has been prepared.

Payment to K.E. Miller for the Supplemental Agreement will be made on a lump sum basis of \$6,900, and will be paid by Water Utility Funds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

## ENCROACHMENT

### **EASEMENT ENCROACHMENT AGREEMENT – 818 MAUS LANE.** (District V)

Agenda Report No. 01-0793.

The Agreement allows Betty J. Baker to occupy and construct for 818 Maus Lane, improvements on, over, and across, portions of a utility easement, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a shed reconstruction on an existing concrete slab that encroaches into the existing utility easement.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

## ENCROACHMENT

### **EASEMENT ENCROACHMENT AGREEMENT – 2130 NORTH TYLER ROAD.** (District V)

Agenda Report No. 01-0794.

The Agreement allows Richview Investments L.L.C. to occupy and construct for 2130 North Tyler Road, improvements on, over, and across, portions of a utility easement, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a trash receptacle which encroaches into the existing utility easement.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

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## **VETERAN'S MEM. RENOVATION OF VETERAN'S MEMORIAL PARK. (District VI)**

Agenda Report No. 01-0795.

Veterans Memorial Park is a small parcel of 3.5 acres at 201 South Greenway Boulevard located along the Arkansas River directly across from Exploration Place. This park site contains the John S. Stevens Veterans Memorial, Kansas Korean War Memorial, Pearl Harbor Memorial, U. S. Submarine Veterans of World War II Memorial, U.S. Marine Corps. Memorial, U. S. Merchant Marine Memorial and Vietnam Veterans Memorial. An automated irrigation system is required to improve the visual appearance and conserve water at this strategically located memorial park site.

A proposed agreement has been drafted between the City and Hillside Nursery Inc. which provides for construction of a design build automated irrigation system. A Staff/Citizen Screening and Selection Committee panel reviewed seven (7) proposals and recommended that Hillside Nursery be awarded the project. Additional landscape improvements may follow at a more favorable time of year for planting.

Payment will be as outlined in the agreement for a total of \$39,125 coming from the Water and Sewer Department's Water Conservation Fund.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## **PIATT MANOR POWER CDC – PIATT MANOR HOMES.**

Agenda Report No. 01-0796.

On July 13, 1999, the City Council approved a HOME Community Housing Development Organization (CHDO) Agreement with Power CDC in the amount of \$130,000 for development costs relating to the construction of 10 single family homes on the site of the former Piatt Manor Apartments at 2104 North Piatt. The Council later approved implementation of the project April 18, 2000 and then provided additional funding to December 12, 2000, in order to facilitate completion of the project within a shorter period of time. At this point, 5 homes have been completed and sold.

Power CDC is in the process of constructing the remaining five homes in the development, and the current funding agreement calls for construction to be completed by July 14, 2001. Staff anticipates completion of the five remaining homes by late fall, 2001. However, additional time for completion under the contract is recommend in order to fulfill other obligations such as yard seeding and installation of fencing.

The amendment to the Grant Agreement will be approved as to form by the City Law Department.

Motion --  
-- carried

Knight moved that the amendment to the Grant Agreement extending the construction completion period be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## **TB CLINIC STAFFING KDHE 2001 TB CLINIC STAFFING ADDENDUM.**

Agenda Report No. 01-0797.

The WIC program provides nutrition education and food vouchers to pregnant, post-partum, and breastfeeding women, and to infants and children less than five years old. The SFY2002 WIC contract was received on June 4, 2001. This is a contract that covers the twelve-month period from July 1, 2001, to June 30, 2002.

The only significant change in the 2001 - 2002 contract is a slight decrease in the assigned caseload. The Sedgwick County assigned caseload was decreased from 8,580 participants in the 2000-2001 fiscal year to 8,429 participants in the 2001-2002 fiscal year.



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The 2002 budget reflects a \$33,236 increase. Based on the amount of food funds and infant formula rebates received, Kansas could purchase food to serve a greater number of participants than are currently being serving in Kansas. Unless notified by the state agency, the local agency does not need to contact the state agency unless the local agency anticipates serving 115% of the assigned caseload for three months or more. This is a change from the 98 – 103 % requirement. No additional administrative funds are available based on serving an increased caseload unless additional funds are received from the USDA. For the twelve-month period, \$152,921 of the budget is allocated for nutrition education and \$35,402 is allocated for breastfeeding promotion.

The Contract was reviewed and approved unanimously at the June 14, 2001 Board of Health meeting.

Motion --  
-- carried

Knight moved that the grant award/Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## SANITARY SEWER

### SUPPLEMENTAL AGREEMENT – SEWAGE TREATMENT PLANT #2.

Agenda Report No. 01-0824.

On August 3, 1999, the City Council approved a Contract with Camp Dresser & McKee, Inc., (CDM) for design, construction management, and computerized operations and maintenance manuals. During testing of the dewatering wells, the Layne Western Co. discovered suspected void(s) under the base slab of an existing intermediate clarifier. Additional services will be required of the Contractor, since this was not included in the Scope of Services.

It is essential that the void be investigated and necessary repairs done to protect the structural integrity of the base slab. The Contractor is required to dewater the periphery of the clarifier and completely decant the tank to install modifications to the equipment. CDM is in the process of dewatering the clarifier, so the present time would be most cost-effective to do the work. It is important that the work proceed immediately to reduce cost to the City and minimize the impact to the Contractor's schedule.

The cost for the Supplemental Agreement is \$17,800. Funding is available in the CIP S-513, Sewage Treatment Plant #2 Improvements.

Agreements in excess of \$10,000 require approval of the City Council.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## DESIGN SERVICES

### AGREEMENT FOR DESIGN SERVICES FOR SANITARY SEWER SERVICE TO KECHI – HYDRAULIC AVENUE NORTH OF 37TH STREET NORTH, TO A LOCATION ALONG 53<sup>RD</sup> STREET NORTH. (Districts I and VI)

Agenda Report No. 01-0798.

The City Council approved the project on November 28, 2000.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of a sanitary sewer extension to provide City of Wichita sanitary sewer service to the City of Kechi. The Staff Screening & Selection Committee selected MKEC for the design on May 23, 2001.

Payment will be on a lump sum basis of \$43,340, and will be paid by Revenue Bonds.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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## DESIGN SERVICES

### **AGREEMENT FOR DESIGN SERVICES FOR ONE KELLOGG PLACE SECOND ADDITION – SOUTH OF KELLOGG, EAST OF GREENWICH.** (District II)

Agenda Report No. 01-0799.

The City Council approved the project on April 3, 2001.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in One Kellogg Place 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$155,500, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## DESIGN SERVICES

### **AGREEMENT FOR DESIGN SERVICES FOR SOUTHWEST INDUSTRIAL ADDITION – NORTH OF PAWNEE, WEST OF MERIDIAN.** (District IV)

Agenda Report No. 01-0800.

The City Council approved the project on June 12, 2001.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Southwest Industrial Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$38,500, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## STREET MAINT.

### **CHANGE ORDER – 2001 CONTRACT STREET MAINTENANCE PROGRAM.**

Agenda Report No. 01-0801.

On February 6, 2001, the City Council approved the 2001 Street Maintenance Program. A part of the work is concrete pavement repairs and slurry seal of asphalt streets. In order to take advantage of favorable bid prices and to maximize the available funds, it is proposed that the project scope be expanded.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$85,000. The funding source is the General Fund.

The Change Order amount is within 25% of the construction Contract cost limit set by the City Council policy.

Motion --  
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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## **ARTERIAL DESIGN     2001 ARTERIAL CORRIDOR DESIGN PROGRAM.** (Districts I and II)

Agenda Report No. No. 01-0802.

The Capital Improvement Program includes funds for an ongoing program to improve Wichita's major traffic corridors. The Kansas Department of Transportation participates in the construction funding with pass-through Federal grants.

The 2001 design locations are Hillside, between Kellogg and Central, and Hillside between 17th and 21st Streets. The design concept is a five-lane roadway (four through lanes and a center two-way left turn lane).

The design budget is \$275,000. The funding source is General Obligation Bonds.

Motion --  
-- carried

Knight moved that the project and Agreements be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

### **ORDINANCE**

An Ordinance declaring Hillside from Kellogg to Central Avenue and Hillside from 17<sup>th</sup> Street North to 21<sup>st</sup> Street North (2001 Corridor Street Design Program) 472-83361, to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## **LATTNER GRANT     GREENING OF WICHITA PROJECT FORREST C. LATTNER GRANT.**

Agenda Report No. 01-0803.

The City of Wichita/Greening of Wichita project has been awarded a \$50,000 grant from the Forrest C. Lattner Foundation. This grant provides the opportunity to maximize the planting of 100,000 trees, their care, maintenance, environmental and health benefits to citizens in the City of Wichita. This grant will also allow the City to develop cutting-edge technology to promote an effective education and community awareness plan that will improve the environment.

The project will be divided into two phases. The first will include an analysis of the overall green-canopy of the city and to determine green-space needs. The second phase will involve the formation of a public/private coalition to promote the mission of the Greening of Wichita project throughout this community.

The project will help the City further comply with some of its current and upcoming environmental obligations, including reducing the cost of storm water runoff, lowering home and office energy use and improving property values.

The \$50,000 grant will be placed in a separate budget account and used for project purposes. The Lattner Foundation requests that 50% of the funds be reserved for landscaping in the Art Museum District.

This grant is for public purposes and the City may accept the funds.

Motion --  
-- carried

Knight moved that the grant award be accepted; and establishment of administration and disbursement accounts be authorized. Motion carried 7 to 0.

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## TENNIS CENTER

### HUD ECONOMIC DEVELOPMENT INITIATIVE GRANT – TENNIS CENTER PROJECT.

Agenda Report No. 01-0804.

On March 30, 2001, the U.S. Department of Housing and Urban Development announced the award of an Economic Development Initiative Special Project grant to the Maureen Connolly Brinker (MCB) Tennis Foundation of Wichita. The purpose of the grant is to provide a portion of the funding necessary to construct an indoor tennis facility at the Ralph Wultz Riverside Tennis Center. The MCB of Wichita is a private, nonprofit foundation.

On April 24, 2001, the City Council approved the submission of the Economic Development Initiative grant application to the U.S. Department of Housing and Urban Development.

The MCB Foundation has requested the City of Wichita serve as the grantee for the HUD Economic Development Special Project grant since the City has the expertise to operate the grant and the funds will be used to improve public property. HUD has approved the City's grant application and submitted grant award documents necessary to receive the funding.

The grant totals \$429,034 and does not require matching funds. The City will have five years from the date of approval to spend the HUD funds. The grant is part of the funds to be raised by the private sector for the indoor tennis facility.

Motion --  
-- carried

Knight moved that the grant award be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## IRB-EATON PLACE

### INDUSTRIAL REVENUE BONDS PURCHASE OPTION – EATON PLACE. (District V)

Agenda Report No. 01-0805.

On November 16, 1999, the City Council authorized issuance of Taxable Industrial Revenue Bonds, Series X-C, 1999 in amount not-to-exceed \$7,989,000 in the form of taxable subordinate lien bonds to provide bridge financing for a portion of the commercial and residential components of the Eaton Place project. The Developer, MetroPlains Development, LLC has completed work on the commercial portion of the project and has provided a formal written request to exercise its option to purchase the commercial property. Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for the bond series, MDI Limited Partnership #72 has the option, if all outstanding series "C" bonds and Trustee Fees have been paid, to purchase the commercial portion of the facility from the City of Wichita for the sum of \$1,000. The City received notice from the Tenant's Counsel of a request to call outstanding bonds and of the company's intention to exercise its purchase option.

Under the terms of the Lease, the City is required to convey its interest in the property securing the IRB issue to the Tenant once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds. The Bonds will be paid off approximately 30 days after approval of the Resolution.

The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to release the IRB Project property to the Tenant by special warranty deed, once all conditions in the Lease have been met.

Motion --  
-- carried

Knight moved that the bond call be authorized; the Resolution approving the Special Warranty Deed, Bill of Sale and the Termination of Lease Agreement be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

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## RESOLUTION NO. 01-279

A Resolution of the City of Wichita, Kansas, approving the sale of certain project financed with the proceeds of Taxable Industrial Revenue Bonds of the City; approving the call and early redemption of said Taxable Industrial Revenue Bonds; authorizing the execution and delivery of (1) Special Warranty Deed, (2) Bill of Sale, (3) a Termination and Release of Lease and (4) a Satisfaction Discharge and Release of Indenture, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

### **SANITARY SEWER      PUBLIC EXIGENCY PROJECT – SANITARY SEWER EXTENSION. (District II)**

Agenda Report No. 01-0822.

Public Works has a pavement project under construction to pave Ellson Court, south of Central and east of Greenwich. This development is on the border between land that was previously serviced by county sewers (Four Mile Creek) and land that is serviced by City of Wichita sewers. Design of the pavement was completed prior to the City's acquisition of Four Mile Creek, so connecting the sewer lines was not an option until now.

A review of the newly acquired sanitary sewer lines revealed an opportunity to eliminate one (1) lift station, along with 3,317 linear feet of force main by installing 260 linear feet of pipe along Ellson Street prior to paving Ellson Court. Extending the sanitary sewer prior to the paving project would save the City considerable money on the sewer installation. Elimination of the lift station will effect a long-term savings in operation cost and maintenance. As a plus, the equipment from the lift station could be reused on existing lift stations.

Mains for Future Development (CIP S-5) has a budget of \$1,200,000 for 2001. There are funds remaining from 2000 for the project, which is estimated to cost \$25,500. Dondlinger & Sons Construction Co., Inc., submitted the low bid at \$22,360. The sewer extension will be funded from Sewer Utility Revenues and Reserves and/or a future revenue bond issue.

City Ordinance 2.64.020, "Public Exigency," authorizes the City Manager to approve work to be performed by a contractor without formal bidding.

Motion --  
-- carried

Knight moved that City Manager's Public Exigency approval of the project be affirmed. Motion carried 7 to 0.

### **PROPERTY ACQ.      ACQUISITION OF 26 WILLOWBROOK FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)**

Agenda Report No. 01-0806.

The East Kellogg/Woodlawn Improvement Project was released for active acquisition in December 2000. At the time of approval, there were ten residential and four businesses. One of the residential acquisitions is 26 Willowbrook, owned by Dale Reed. The site contains 14,000 square feet and is improved with a 3,016 square foot, two story, brick, single-family residence. The property has four bedrooms and three baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was valued at \$358,000 including relocation and moving. This amount was offered to the owner and accepted. The owner is presently attempting to locate a replacement property and will relocate as soon as one is acquired. The site will then be processed for immediate demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of

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\$375,000 is requested. This includes \$358,000 for the acquisition and relocation, \$15,000 for demolition and \$2,000 for closing costs and title insurance.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized  
Motion carried 7 to 0.

## PROPERTY ACQ.

### **ACQUISITION OF PORTION OF 1428 SOUTH TYLER FOR THE WEST KELLOGG /TYLER & MAIZE HIGHWAY IMPROVEMENT PROJECT.** (District V)

Agenda Report No. 01-0807.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval authorized staff to initiate acquisition of needed parcels. One acquisition is a portion of the property located at the 1428 South Tyler which is owned by Kevin J. Brady, et al. The total ownership contains 62,940 square feet, is zoned Light Industrial and is improved with a single-family residence and several out buildings. The acquisition parcel contains 4,495 square feet along the west edge of the site.

The acquisition has been appraised for \$22,500 which included land at \$3.25 per square foot of land plus \$7,890 in damages. The land immediately north of the property was recently acquired for \$6.00 per square foot. The acquisition will cause the removal of a storage shed, workshop and brick boundary wall. After the acquisition, the residence will be ten feet from Tyler rather than the current 45 feet. Based on these items, a settlement amount of \$45,000 has been agreed to. Eminent domain has been initiated on the tract. This action will be halted with the settlement.

Funds for land acquisitions have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$50,000 is requested. This includes \$45,000 for the acquisition, \$4,000 for demolition and \$1,000 for closing costs and title insurance.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized  
Motion carried 7 to 0.

## PROPERTY ACQ.

### **ACQUISITION OF 8430 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT.** (District II)

Agenda Report No. 01-0808.

In October of 1998, staff was instructed to pursue purchases on an opportunity basis or to preserve the corridor along East Kellogg. Current plans call for construction of the Rock Road/Kellogg interchange to start in 2003 with active acquisition of right-of-way occurring in late 2001. The property at 8430 East Kellogg is in this corridor. The site contains approximately 39,062 square feet and is improved with a 5,507 square foot restaurant facility. The improvements were constructed to house a Steak and Ale restaurant and are now leased and occupied by a full-service Mexican-style restaurant. The proposed improvements to Kellogg will extend significantly into the building.

The property was appraised at \$630,000 in July 2000. The owner has agreed to sell the property for a negotiated price of \$700,000. The tenant is currently renting the property on a net basis for \$1,000 per month and they are expected to remain in occupancy. This will allow the City to realize lease income during the pre-construction period. Early acquisition will eliminate relocation costs for the owner. The acquisition consultant for East Kellogg has reviewed this proposal and has recommended its acquisition.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be local sales tax revenues. A budget of \$745,000 is requested. This includes \$700,000 for the facility acquisition, \$20,000 for tenant relocation, \$20,000 for demolition, and \$5,000 for closing costs, surveys and title insurance.

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Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized  
Motion carried 7 to 0.

## PROPERTY ACQ.

### ACQUISITION OF 1651 EAST 13TH STREET FOR THE 13TH AND HYDRAULIC INTERSECTION PROJECT. (District I)

Agenda Report No. 01-0809.

In July of 1998, City Council approved a resolution calling for the improvement of several intersections and traffic corridors within the City. The intersections of 13th and Hydraulic and Pennsylvania are two such locations. The improvement plans call for partial acquisitions at these two corners. A 59.50 foot triangular tract is required at the southeast corner of 13th and Pennsylvania and a 76.00 square foot triangular tract is required at the southwest corner of 13th and Hydraulic. Total Petroleum Incorporated owns these corners.

The site is improved with a convenience and gas store. No improvements will be impacted by this project. A negotiated value of \$1500 has been agreed to by the owner for the partial acquisitions.

The Council resolution approved \$95,000 in general obligation bonds for this project. A budget of \$2,500 is requested. This includes \$1,500 for the acquisition, and \$1,000 for closing costs and title insurance.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized  
Motion carried 7 to 0.

## PROPERTY ACQ.

### DONATION OF LAND FOR HISPANIC VETERANS MEMORIAL PARK.

Agenda Report No. 01-0823.

The City has been working with the North Chisholm Neighborhood Association and friends of Pat Garcia to create a memorial park near 25th Street and Wellington Place honoring one of its prominent citizens, war veteran Pat Garcia, who passed away last year. The City, the neighborhood association, and the friends group have been seeking donations of land in the area with the goal of assembling the necessary parcels for an accessible, user-friendly park.

Many years ago, Chisholm Creek was channelized in the area near 25th Street and Wellington Place. As a result of this process, many of the parcels in the area lost their value as viable real estate holdings. The coalition has been successful in soliciting the donation of those parcels most necessary to develop an accessible, user-friendly park. Parcels submitted for donation total 61,971 square feet. In addition, the City will vacate 23,956 square feet of right-of-way for access and connectivity.

Friends of Pat Garcia have agreed to provide funds for installation of a memorial on the park grounds. Ongoing maintenance of the memorial and park grounds will be provided by the Department of Park and Recreation from its operating budget. Costs are estimated at slightly under \$10,000 annually.

Motion --  
-- carried

Knight moved that the quit claim deeds be approved and that the donation of the property be accepted.  
Motion carried 7 to 0.

## WATER SYSTEM

### AMENDING RESOLUTIONS: WATER DISTRIBUTION SYSTEMS TO SERVE AN AREA ALONG SENECA STREET, SOUTH OF 55TH STREET SOUTH. (District IV)

Agenda Report No. 01-0810.

On August 24, 1999, and January 11, 2000, the City Council approved two Petitions to extend water service to an area along south Seneca that was, at that time, outside the Wichita City limits. The area has since been annexed.

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Amending Resolutions have been prepared to reflect recent platting activity and to correct several minor errors in describing the improvement districts.

There is no impact on project budgets.

State Statutes grant the City Council authority to modify the improvement district legal descriptions by amending Resolution.

Motion --  
-- carried

Knight moved that the Resolutions be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 01-280

A Resolution amending Resolution No. R-99-326 pertaining to the construction of Water Distribution System Number 448-89417 (along Seneca, between 63<sup>rd</sup> Street South and 55<sup>th</sup> Street South), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-281

A Resolution amending Resolution No. R00-007 pertaining to the construction of Water Distribution System Number 448-89445 (south of 55<sup>th</sup> Street South, east of Seneca), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCES

### **SECOND READING ORDINANCES: (FIRST READ JUNE 19, 2001)**

- a) Litter and graffiti.

## ORDINANCE NO. 44-999

An Ordinance amending Sections 5.44.010 and 5.44.020, creating Sections 5.44.030, 5.44.040, 5.44.050 and 5.44.060 of the code of the city of Wichita, Kansas, pertaining to littering and repealing the originals of Sections 5.44.010 and 5.44.020, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) CSBG Review Committee.

## ORDINANCE NO. 45-000

An Ordinance amending Sections 2.12.820 and 2.12.830 of the Code of the City of Wichita, Kansas, pertaining to community service block grant review committee-powers-authority-composition-appointment-qualifications and repealing the originals of said sections pertaining to the Community Services Block Grant Review Committee, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) 2000/2001 arterial sidewalk and wheelchair ramp program. (Districts I, III, and V)

## ORDINANCE NO. 45- 001

An Ordinance declaring Rock Road from 13th Street North to Polo; Oliver, from Morris to Gilbert; Lincoln, from Bluffview to Oliver; 25th Street North, from Amidon to Garoand; Harry, from Hydraulic to 265 feet east of Hydraulic; Webb, from 828 feet south of Kellogg to Kellogg; Mount Vernon, from



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Lexington to Woodlawn; and wheelchair ramps at various locations (2000/2001 Arterial Sidewalk and wheelchair ramp program) 472-83270 to be main trafficways within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficways; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

d) ZON2000-00006 and CUP2000-00054 DP-08 Amendment #9 - northeast corner of 21st Street North and Oliver.

## ORDINANCE NO. 45-002

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04.010, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2000-00006

## **FIRST READING ORDINANCES – ZON2000-00037 AND ZON2000-00049.**

Motion -- carried

Knight moved that the Ordinances be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00037

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00049

## **PLANNING AGENDA**

Marvin Krout

Director of Planning stated that all Items, except Item No. 39, could be considered as consensus Items unless the Council desired to withhold other Items.

Motion --  
-- carried

Knight moved that the Planning Agenda Items, except Item No. 39, be approved as consensus Items. Motion carried 7 to 0.

**D-2001-13**

## **D-2001-13 – DEDICATION OF UTILITY EASEMENT LOCATED WEST OF MERIDIAN, NORTH OF PAWNEE.** (District IV)

Agenda Report No. 01-0812.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2001-53, and is being submitted to allow for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

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Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

**DED-2001-15**

**DED2001-15 – DEDICATION OF ACCESS CONTROL LOCATED ON NORTH SIDE OF 13TH STREET, WEST OF HIGH STREET.** (District VI)

Agenda Report No. 01-0813.

MAPC Recommendation: Accept the dedication.

This dedication is a requirement of a Lot Split No. L/S-0792, and is being dedicated to allow access control along 13th Street.

The dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

**DED-2001-16**

**DED2001-16 – DEDICATION OF STREET RIGHT-OF-WAY LOCATED ON THE NORTH SIDE OF 13TH STREET, WEST OF HIGH STREET.** (District VI)

Agenda Report No. 01-0814.

This Dedication is a requirement of Lot Split No. L/S-0792, and is being submitted to dedicated 10 feet of right-of-way along 13th Street.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

**SUB2000-63**

**SUB2000-63 – PLAT OF HIDDEN CREEK ADDITION LOCATED WEST OF MERIDIAN, NORTH OF 55TH STREET SOUTH.** (District IV)

Agenda Report No. 01-0815.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

A zone change (Z-3339) from SF-6, Single-Family Residential to MH, Manufactured Housing has been approved for this site subject to platting.

A petition, 100%, has been submitted for sanitary sewer improvements, drainage and paving improvements.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. A restrictive covenant has been provided addressing the required installation and maintenance of an emergency access easement connecting to the abutting Stonebriar Addition to the north.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Motion --

-- carried

Knight moved that the documents and plat be approved; the necessary signatures be authorized; the Ordinance Z-3339 be placed on first reading; and the Resolutions be adopted. Motion carried 7 to 0.

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## RESOLUTION NO. 01-282

Resolution of findings of advisability and Resolution authorizing construction of Lateral 471, Southwest Interceptor Sewer (west of Meridian, north of 55<sup>th</sup> Street South), 468-83298, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-283

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 175 (west of Meridian, north of 55<sup>th</sup> Street South) 468-83299, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-284

Resolution of findings of advisability and Resolution authorizing improving of Meridian Decel Lane, (west of Meridian, north of 55<sup>th</sup> Street South) 472-83402, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3339

SUB2001-33

**SUB2001-33 – PLAT OF WESTPARK SECOND ADDITION LOCATED ON THE WEST SIDE OF WEST STREET, SOUTH OF HARRY.** (District IV)

Agenda Report No. 01-0816.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site is zoned LI, Limited Industrial. City water and sanitary sewer services are available to the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion -- carried

Knight moved that the documents and plat be approved and the necessary signatures be authorized.

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(Agenda Item No. 39)  
ZON2001-00003

**ZON2001-00003 – ZONE CHANGE FROM LIMITED COMMERCIAL TO GENERAL COMMERCIAL ON PROPERTY LOCATED ON THE NORTHEAST CORNER OF PAWNEE AND HILLSIDE.** (District III)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-0817.

MAPC Recommendation: Disapproval (4-6 on motion to approve).

Staff Recommendation: Deny.

DAB Recommendation: Deny (8-0).

The applicant operates Ace's Pawn Shop located at the northeast corner of Pawnee and Hillside. The applicant takes in vehicles on pawn, and occasionally those vehicles are not redeemed. He would like to be able to store pawned vehicles on the application area that is located just east of the applicant's pawn shop. Therefore, the applicant is seeking "GC" General Commercial zoning to permit outside storage on a portion of a platted lot (located approximately 125-150 feet east of Hillside, north of Pawnee). The applicant indicates that he does not offer vehicles for sale at this location if they are not redeemed. Cars not redeemed are sent to an auction service for disposal.

The lot is currently zoned "LC" Limited Commercial which severely limits the size of outdoor storage permitted when compared to the "GC" district. (Storage in the "LC" district is limited in size to no more than 10 percent of the floor area occupied by the principal use by right, and 20 per cent by Conditional Use. The application area is approximately one-half acre in size and is developed with one building that takes up approximately one-third of the site. The undeveloped portions of the site would be used for vehicle storage. The site is entirely enclosed with buildings, solid screening or a 10-foot chain-link fence.

Parking for the pawn shop is located west of the application area and the storage area does not appear to use any of the required off-street parking spaces required for the shop.

Surrounding zoning is "B" Multi-family Residential, and "LC" Limited Commercial. Surrounding uses are residential, retail commercial and car repair.

Staff recommended denial of the request but suggested that if the request were to be approved, the approval should be subject to a Protective Overlay that: restricted uses to those permitted by-right in the "LC" Limited Commercial district plus vehicle storage; all vehicles stored must be complete, visually intact and operable and no salvage activities or outdoor repair work is permitted.

The MAPC originally heard this request on February 22, 2001. After hearing from staff and the applicant, the Commission granted the applicant a deferral to allow him additional time to evaluate all of his options other than a zone change. Two options for him are to store the vehicles at a remote site that is already zoned for vehicle storage or to build an enclosed structure. On June 7, 2001, the Commission heard this request a second time. During the deferral period, the applicant had constructed a concrete wall with metal gates in front of the building, hoping that the MAPC would be favorably impressed by the construction that would permit vehicle storage if the zoning request was granted. A motion to approve failed by a 4-6 vote.

The members voting against the motion cited their concern with the aesthetics of the project and the precedent that would be set by an approval. DAB III also reviewed the request after the second MAPC hearing, and recommended denial 8-0. Reasons cited for the denials include concern over approving "GC" zoning in an area that does not currently have "GC" zoning (once "GC" zoning was approved here, there would be additional requests for car sales and other outdoor display and storage uses) and a concern that "GC" zoning would negatively impact existing uses and future redevelopment prospects in the area. No one spoke in opposition.

Motion --  
-- carried

Lambke moved that the Council concur with the findings of the MAPC and deny the application.  
Motion carried 7 to 0.

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**ZON2001-00024  
CUP2001-00015  
(DP-256)**

**ZON2001-00024 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL AND CUP2001-00015 (DP-256) – CREATION OF COLLECTIVE C.U.P., LOCATED ON THE SOUTHEAST CORNER OF K-96 AND 21ST STREET NORTH.**  
(District II)

Agenda Report No. 01-0818.

MAPC Recommendation: Approve zone change, subject to platting within 1 year and approve the CUP, subject to conditions (10-0).

Staff Recommendation: Approve, subject to platting within 1 year and subject to conditions.

DAB II Recommendation: Approve.

The applicant is requesting the creation of a Community Unit Plan for the southeast corner of K-96 and 21st Street North.

This proposed C.U.P. contains 15.05 acres with five parcels. Parcel 1 (1.04 acres) and Parcel 5 (3.71 acres) are located along 21st Street North. Parcel 2 (2.70 acres) is located along Wawona Street, directly south of Parcel 1. The proposed uses for Parcels 1, 2, and 5 are those uses allowed in the "LC" Limited Commercial district except for the following exclusions: adult entertainment establishments, group houses, correctional placement residences, private clubs, taverns and drinking establishments.

Parcel 3 (2.83 acres) and Parcel 4 (3.99 acres) are located along the southern edge of the proposed C.U.P. The applicant has proposed additional restrictions on Parcels 3 and 4 because the adjoining property is zoned "SF-5" and developed with a residence on a 5-acre tract. Parcels 3 and 4 would be restricted to "NR" Neighborhood Retail uses. The applicant does not wish to restrict the size of the retail uses to 8,000 square feet per use since one of the potential uses is a large bookstore, but has offered to move restaurant use to the northern portion of the parcels and to eliminate drive-thru restaurants and convenience stores as permitted uses on the entire CUP.

The C.U.P. proposes one opening on 21st Street North and one opening on Wawona.

Maximum building coverage is shown at 30%, floor area ratio is 30 %, and maximum height is 35 feet. Setbacks of 35 feet are provided along K-96, 21st Street North, and Wawona. The setback is increased to 50 feet along the southern property line. A six-foot masonry screening wall would be built in a wall easement along the southern property line.

There are two existing ponds on the property to the south. The property drains to the southwest toward the ponds, via the drainage easement located between Parcels 3 and 4 to allow drainage to the ponds.

The surrounding property is developing primarily with institutional uses. Trinity Academy, a private high school is located to the east. Messiah Baptist Church is across 21st Street North. Both properties on the west side of K-96 also are being developed with institutional uses, with Kensington Gardens Cemetery on the northwest corner of K-96 and 21st, and First Bible Baptist Church holding the property on the southwest of this interchange.

Four residences are located south of the proposed C.U.P., all on large acreages. The Burlington Northern right-of-way is approximately ¼ mile to the south.

MAPC heard this request on June 7, 2001, and recommended approval, subject to conditions. Those conditions include: transportation improvements, signage controls, a list of permitted uses and landscaping at one and one-half times the Landscape Ordinance's requirement. No one spoke in opposition at the MAPC, however four property owners spoke in opposition at the DAB meeting. These property owners were concerned with increased traffic, introduction of commercial uses not currently in the area and potential for loss of property value. The DAB recommended approval subject to conditions. In between the DAB meeting and the MAPC hearing, the residential property owner located immediately south of the proposed CUP and the developer reached an oral agreement for the developer to purchase the residential lot.

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Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the zone change and C.U.P., subject to the recommended conditions; be approved; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

ZON2001-00034

**ZON2001-00034 – ZONE CHANGE FROM LIMITED COMMERCIAL TO SINGLE-FAMILY RESIDENTIAL, LOCATED APPROXIMATELY 400 FEET NORTH AND EAST OF ROCK ROAD AND 45TH STREET NORTH.** (District II)

Agenda Report No. 01-0819.

MAPC Recommendation: Approve (10-0).

Staff Recommendation: Approve.

The application area is an upside down “L” shaped tract containing 4.21 acres that is located approximately 400 feet north and 400 feet east of the intersection of Rock Road and 45th Street East. The application area is zoned “LC” Limited Commercial, but has been platted for single-family use as part of Sawmill Creek Addition. The “LC” zoning was established in the early 1960’s as part of the old checkerboard pattern of 600 foot by 600 foot (including road right-of-way) sized parcels located at the intersection of section line roads. The property owner has chosen to utilize only a 350 feet by 350 feet sized “LC” parcel, leaving the remaining 200 feet of “LC” zoned land to be platted for residential uses. This layout leaves “LC” zoned single-family lots located across the street from predominately “SF-5” zoned lots. The “LC” district permits residential uses, however this layout creates the likelihood for a very undesirable mix of incompatible uses, traffic patterns, setback arrangements and screening requirements since the developer has not enacted a set of private covenants to privately address this issue. This situation also would leave streets developed at local residential street standards to serve commercially zoned lots. All of the lots within the application area are still under single ownership and the owner is agreeable to the zone change.

Abutting land is zoned either “SF-5” Single-family Residential or “LC” Limited Commercial or “LI” Limited Industrial. The “LC” zoned land is part of a retail commercial corner that is part of the applicant’s overall development plan. Land south of 45th Street is vacant while land to the west of Rock is vacant.

MAPC heard this request on June 7, 2001, and recommended approval 10-0. No one spoke in opposition.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2001-00034

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ZON2001-00037

**ZON2001-00037 – ZONE CHANGE FROM LIMITED INDUSTRIAL TO LIMITED COMMERCIAL LOCATED SOUTH OF TEXAS AND EAST OF OSAGE ¼ BLOCK.**

(District IV)

Agenda Report No. 01-0820.

MAPC Recommendation: Approve (12-0).

Staff Recommendation: Approve.

The applicants' platted property is zoned "LI" Limited Industrial and is located south of Texas and ¼ block east of Osage. The site is developed with a single-family residence. Residential uses are not permitted uses in the "LI" district, making the residence a non-conforming use. The property is for sale. An individual is interested in purchasing the home, but due to its non-conforming status, the potential buyer cannot obtain a loan. Therefore, the applicants are seeking a rezoning to the "LC" Limited Commercial district which does permit residential uses, and would allow the buyer to obtain a loan.

All surrounding property is zoned "LI" Limited Industrial. Except for the property located to the north, all surrounding property is developed with residential uses. The property located north of the application area, across Texas Street, is developed with a drive-thru bank and bank related parking.

The application area is part of the Delano Neighborhood. A neighborhood plan has recently been adopted for Delano. One of that plan's recommendations is that this property as well as others similarly situated be rezoned to the "LC" Limited Commercial district. "LC" zoning would eliminate the problem this applicant is facing with the sale of the house, but preserve a wide variety of uses, including residential uses. Staff has been and is currently working with neighborhood residents and business owners to implement the plan's recommendations.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2001-00037

BALTHROP ADD.

**RELEASE OF RESTRICTIVE COVENANT, BALTHROP ADDITION - GENERALLY LOCATED ON THE NORTHEAST CORNER OF CENTRAL AND GREENWICH.** (District II)

Agenda Report 01-0821.

Staff Recommendation: Approve consent to release of agreement.

The City of Wichita was party to an Agreement by and between the City of Wichita, Kansas, and Ritchie Associates, Inc., C. Edgar Dunne, and the Cecilia Balthrop Living Trust, dated March 19, 1996, restricting the use of property legally described as Lots 15-19, Block 5, Balthrop Addition, to Sedgwick County, Kansas. This Agreement was executed prior to the property being annexed by the City of Wichita and before Community Unit Plan regulations were in effect for the unincorporated area of Sedgwick County. The Agreement served to restrict the development of said property in a similar manner as would have occurred if the property had been subject to a C.U.P. development plan and provisions.

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Since that time the property has been annexed to the City. All the aforesaid property has been incorporated into DP-232 Preston Trails Community Unit Plan. The C.U.P. was recommended for approved (13-0) by MAPC on February 12, 1998, and approved (4-0) by the Wichita City Council on March 17, 1998. It was subsequently amended (8-2) by MAPC on May 13, 1999.

The C.U.P. contained most of the same provisions as the original Agreement. Any changes were subject to the public hearing and approval process, as recited above. These changes included a reconfiguration of the parcel boundaries. The proposed uses were changed to allow vehicle sales (limited to new and used automotive and light truck sales, leasing and service, and not including heavy trucks, motorcycles, boats, campers, or other recreational vehicles, except those which are traded in at this site; no outdoor storage of salvaged vehicles or parts) on Parcels 1-3 (Amendment #1 approved by MAPC on May 13, 1999). Also, a new parcel in the northeast portion of the development was proposed for development with duplexes. There were minor modifications on signage and the location of the required screening wall was adjusted to be located between the commercial uses and the duplex uses within the C.U.P. instead of along the northern property line.

Since the conditions to the original Agreement have been superceded by DP-232 Preston Trails Community Unit Plan, as amended, the Planning Staff recommends the City execute the Release.

Motion -- Knight moved that the release be approved and the necessary signatures be authorized. Motion carried  
-- carried 7 to 0.

## EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess into executive session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation, legal advice; matters relating to security of public bodies or agencies, public buildings or facilities, or information systems; and that the City Council return from executive session no earlier than 10:35 a.m.  
-- carried Motion carried 7 to 0.

RECESS The City Council recessed at 10:20 a.m. and returned at 10:40 a.m.

Mayor Knight announced that no action was necessary as a result of the executive session.

(The City Council took up Item No. 6. Action is shown in Agenda order.)

ADJOURNMENT The City Council meeting adjourned at 10:55 a.m.

Pat Burnett CMC  
City Clerk